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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,790

03/07/2005

In Jae Shin

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29338

7590

04/15/2008

PARK LAW FIRM
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SUITE 1110
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EXAMINER

TYLER, STEPHANIE E

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,790	Applicant(s) SHIN, IN JAE	
	Examiner STEPHANIE E. TYLER	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Specification

1. The disclosure is objected to because of the following informalities: Of the "Revised Specification": Of the continuation of paragraph [0008] on page 2, line 8 "ofr" should be "for".

Appropriate correction is required.

Claim Objections

2. Claim 4 is objected to because of the following informalities: in line 4 "handger" should be "hanger". Appropriate correction is required.
3. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 is dependent off of cancelled claim 3.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hessert (2,337,161) in view of Metz (4,198,872).

The Hessert reference discloses an ice cream dispenser having a container (C) with a central part (40) for storing ice cream, a side part (see fig.1) for storing cooling substance (pg.2, col.1, lines 58-62; by refrigerated gas), a partition board (23), a cover (11,16) of the container (C) with a hole (see fig.1), an activation device (66,76,72,78), an activation axis (see fig.1, along the screw groove), an activation plate (76), a screw groove (72), a discharge pipe (rear part of tube that is connected to the bottom of the central part) that forms a hole (the aperture from the container to the discharge pipe), discharge outlet (see fig.1), tube (34), a motor (66), a switch (80), a battery (see fig.1), a lever (75), and a support (10). Also the Hessert reference discloses the functional language claimed limitations.

However the Hessert reference lacks a ball bearing that engages with the screw groove.

The Metz reference teaches a ball bearing (16) that engages the shaft screw groove (12) for the purpose of providing proper alignment of the shaft screw as it moves upward and downward.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Hessert's device with a ball bearing to engage the screw groove as taught by Metz in order to "operate with a minimum of wear between the various moving parts" (col.1, lines 8&9).

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hessert in view of Metz as applied to claim 1 above, and further in view of Bowers (3,987,869) and Oys (2,350,184).

The Hessert and Metz references disclose substantially all the structure and functionality of the invention. However both references lack a hanger part, case for cone cups and a strap.

The Bowers reference teaches a lubrication system having a dispensing tube (32) and a hanger part (see fig.1) for the purpose of storing the dispensing tube away when not in use. Also the Bowers reference discloses a pair of shoulder straps (3) for the purpose of being able to “transport the system on the user’s back” (col.1, line 56).

The Oys reference teaches a portable drinking fountain having a case (22) attached to the drinking fountain container (2) containing cone cups (24) for the purpose of having these cone cups “readily removed therefrom one at a time” for drinking purposes (pg.2, col.1, lines 37&38).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Hessert and Metz devices with a hanger part and straps as taught by Bowers and a case attach to the container for cone cups as taught by Oys in order to provide a convenient and consolidated way for the user to transport and readily dispense contents in individual containers at any given time; and storage dispensing tube when not dispensing.

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE E. TYLER whose telephone number is (571)272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. E. T./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754